

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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ITV DIRECT, INC., )  
)  
Plaintiff, )  
v. )  
)  
HEALTHY SOLUTIONS, LLC, )  
)  
Defendants. )  

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)  
CAPPSEALS, INC., )  
)  
Plaintiff-in-Intervention )  
v. )  
)  
HEALTHY SOLUTIONS, LLC, d/b/a )  
DIRECT BUSINESS CONCEPTS; ITV )  
DIRECT, INC., AND DIRECT )  
FULFILLMENT, LLC., )  
)  
Intervenor-Defendants. )  

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)

C. A. No. 04-CV10421-JLT

**CAPPSEALS, INC.'S MOTION FOR IMPOUNDMENT**

Pursuant to the Local Rule 7.2 and the Protective Order entered by this Court on August 10, 2004, plaintiff-in-Intervention, Cappseals, Inc. ("Cappseals"), a judgment creditor in the amount of \$1,041,684.49, respectfully moves for the impoundment of certain documents and information submitted in support of its *Motion for Post-Judgment Relief* and its *Motion to Amend its Complaint-in-Intervention* both being filed later today in a sealed envelope with the Court.

The grounds for this motion are as follows:

1. The parties have designated that certain documents, pleadings, motions and testimony in this case be filed with the Court and maintained there as "confidential." The Court has entered a Protective Order ("Protective Order"), dated August 10, 2004, to

provide for the protection of this information by filing it under a motion for impoundment;

2. In support of Cappseals' *Motion for Post-Judgment Relief* and its *Motion to Amend its Complaint-in-Intervention*, Cappseals has cited to an accounting report (attached to the supporting affidavit of Scott A. Silverman as **Exhibit D**) that was previously designated "confidential" by defendant-in-intervention, ITV Direct, Inc. ("ITV"). Therefore, Cappseals has contemporaneously filed both the accounting report, and the motions that reference the confidential information contained therein - in a sealed and labeled envelope.

3. No party will be prejudiced by the allowing of this Motion for Impoundment, as all parties are aware of the Court's Protective Order requiring impoundment when such materials are filed, and, ITV is the party who made the confidentiality designation on the material Cappseals now submits.

4. In deference to ITV's designation, Cappseals respectfully requests that the material be impounded until further order of the Court, and, said confidential material should be returned to the custody of Cappseals at the conclusion of the impoundment period.

WHEREFORE, Cappseals respectfully requests that this Court allow its Motion for Impoundment of its *Motion for Post-Judgment Relief* and its *Motion to Amend its Complaint-in-Intervention* including the supporting affidavit of Scott A. Silverman, said documents to be filed in a sealed envelope with the Court later today.

Cappseals, Inc.  
By its attorneys,

/s/ Scott A. Silverman

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**CERTIFICATE OF SERVICE**

I hereby certify that true and accurate copies of the foregoing Cappseals, Inc.'s Motion for Impoundment was served on the foregoing attorneys of record pursuant to Fed. R. Civ. P. 5 as follows:

Via electronic notification:

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DATED: August 3, 2005